

FORM PTO-1390 (Modified)
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

(H)99GU1341USP

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5)

09/762347

INTERNATIONAL APPLICATION NO.
PCT/DE99/02371INTERNATIONAL FILING DATE
04 August 1999PRIORITY DATE CLAIMED
04 August 1998

TITLE OF INVENTION

Process for Producing a Biological Substance, Substance of this type and its use

APPLICANT(S) FOR DO/EO/US

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2)).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

General Authorization to charge fees

Credit Card Payment Form PTO-2038 in the amount of filing fee

09/762347-071301

U.S. APPLICATION NO. (IF KNOWN) 09/7762347

INTERNATIONAL APPLICATION NO.
PCT/DE99/02371

JC02 Re PCT/PTO 05 FEB 2001

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21. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$970.00
- ☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$840.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$690.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$670.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$96.00

ENTER APPROPRIATE BASIC FEE AMOUNT =Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). ☐ 20 ☐ 30

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	16 - 20 =	0	x \$18.00
Independent claims	2 - 3 =	0	x \$78.00

Multiple Dependent Claims (check if applicable) ☐**TOTAL OF ABOVE CALCULATIONS =**Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable) ☐**SUBTOTAL =**Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). ☐ 20 ☐ 30**TOTAL NATIONAL FEE =**Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable) ☐**TOTAL FEES ENCLOSED =**Amount to be:
refunded \$
charged \$☒ CREDIT CARD PAYMENT
FORM PTO IN AMOUNT \$840.00

to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. _____
A duplicate copy of this sheet is enclosed.

in the amount of _____

to cover the above fees.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **11-0665** A duplicate copy of this sheet is enclosed.**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

M. Robert Kestenbaum
11011 Bermuda Dunes NE
Albuquerque, NM USA 87111
Phone 505-323-0771
Facsimile 505-323-0865

SIGNATURE

M. Robert Kestenbaum

NAME

20,430

REGISTRATION NUMBER

February 5, 2001

DATE

09/762347

JC02 Rec'd PCT/PTO 05 FEB 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: PCT Application PCT/DE99/02371
Filed August 4, 1999
Title PROCESS FOR PRODUCING A BIOLOGICAL SUBSTANCES,
SUBSTANCE OF THIS TYPE AND ITS USE
Attorney Docket (H)99GU1341USP

Box PCT
Commissioner for Patents
Washington, DC 20231

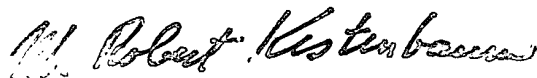
General Authorization to Charge Fees

Dear Sir or Madam:

In accordance with Rule 1.136 (a) (3), please charge additional required fees which come due with respect to this application, including extension fees, and credit any overpayments to Deposit Account 11-0665.

Also, please provide extensions of time as required for timely receipt of concurrent or future correspondence and other documents submitted in this application and charge the appropriate extension fees to Deposit Account 11-0665

Respectfully submitted, _____



M. Robert Kestenbaum
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February 5, 2001

09/762347

05 FEB 2001

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s):

Docket No.

(H)99GU1341USP

Serial No.

PCT/DE99/02371

Filing Date

04/08/1999

Examiner

Group Art Unit

Invention: Process for Producing a Biological Substance, Substance of this type and its use

I hereby certify that the following correspondence:

PCT Application entering the National Stage

(Identify type of correspondence)

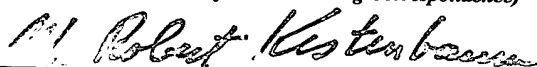
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

February 5, 2001

(Date)

M. Robert Kestenbaum

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EK529531644US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.